



2204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Murphy

Application No. 10/691,800

Filed: 10/21/2003

For:

Tissue Preserving and Minimally Invasive Hip  
Replacement Surgical Procedure

To: Assistant Commissioner for Patents  
Washington, D.C. 20231

) Art Unit:

) Our Ref.: 702.154

) Examiner:

) I hereby certify that this correspondence is being:

[x] deposited with the United States Postal Service as  
express mail in an envelope addressed to:  
Commissioner of Patents and Trademarks,  
Washington, D.C. 20231

[ ] facsimile transmitted to the Patent and Trademark  
Office - \_\_\_\_\_; Attn.: \_\_\_\_\_

[ ] hand delivered to the Patent and Trademark Office

on this 30<sup>th</sup> day of January, 2004

By: Patricia C. Powell  
Patricia C. Powell

**INFORMATION DISCLOSURE STATEMENT**

The Examiner is requested to consider the documents contained in the attached Information  
Disclosure Statement during the examination of the above-identified patent application.

Respectfully submitted,

Dated: \_\_\_\_\_

1/30/04

Steven M. Reiss

Steven M. Reiss  
Reg. No. 37,519  
Wright Medical Technology, Inc.  
5677 Airline Road  
Arlington, Tennessee 38002-9501  
(901) 867-4314



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

**Complete if Known**

Application Number	10/691,800
Filing Date	10/21/03
First Named Inventor	Murphy
Art Unit	3738
Examiner Name	
Attorney Docket Number	702.154

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,685,058	08/22/72	Tronzo	
		US- 3,859,992	01/14/75	Amstutz	
		US- 3,874,003	04/01/75	Moser, et al.	
		US- 4,305,394	12/15/81	Bertuch, Jr.	
		US- 4,399,813	08/23/83	Barber	
		US- 4,475,549	10/09/84	Oh	
		US- 4,528,980	07/16/85	Kenna	
		US- 4,632,111	12/30/86	Roche	
		US- 4,662,891	05/05/87	Noiles	
		US- 4,667,972	07/07/87	Tornier	
		US- 4,716,894	01/05/88	Lazzeri, et al.	
		US- 4,878,918	11/07/89	Tari, et al.	
		US- 4,994,064	02/19/91	Aboczsky	
		US- 5,030,221	07/09/91	Buechel, et al.	
		US- 5,037,424	08/06/91	Aboczsky	
		US- 5,061,270	10/29/01	Aboczsky	
		US- 5,098,437	03/24/92	Kashuba, et al.	
		US- 5,108,448	04/28/92	Gautier	
		US- 5,108,452	04/28/92	Fallin	

**FOREIGN PATENT DOCUMENTS**

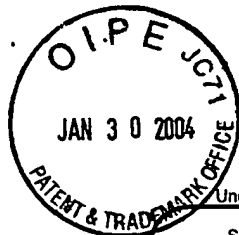
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EP 0147339 A2	07/03/85	Brunet		
		EP 0357270 A1	03/07/90	Shelley		
		EP 0470912 A2	02/12/92	Chambaud		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

5

**Complete if Known**

Application Number	10/691,800
Filing Date	10/21/03
First Named Inventor	Murphy, et al.
Art Unit	3738
Examiner Name	
Attorney Docket Number	702.154

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,116,339	05/26/92	Glock	
		US- 5,167,399	12/08/92	Ryland, et al.	
		US- 5,171,243	12/15/92	Kashuba, et al.	
		US- 5,171,313	12/15/92	Salzer	
		US- 5,190,422	03/02/93	Lechot	
		US- 5,217,499	06/08/93	Shelley	
		US- 5,250,051	10/05/93	Maryan	
		US- 5,261,915	11/16/93	Durlacher, et al.	
		US- 5,284,483	02/08/94	Johnson, et al.	
		US- 5,320,625	06/14/94	Bertin	
		US- 5,344,461	09/06/94	Philpot	
		US- 5,364,403	11/15/94	Petersent, et al.	
		US- 5,417,696	05/23/95	Kashuba	
		US- 5,458,637	10/17/95	Hayes	
		US- 5,474,560	12/12/95	Rohr, Jr.	
		US- 5,486,181	01/23/96	Cohen, et al.	
		US- 5,499,985	03/19/96	Hein, et al.	
		US- 5,507,748	04/16/96	Sheehan, et al.	
		US- 5,658,290	08/19/97	Lechot	

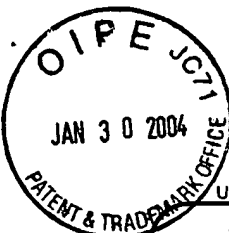
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		GB 2372707 A	09/04/02	McMinn		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 3

of 5

**Complete if Known**

Application Number	10/691,800
Filing Date	10/21/03
First Named Inventor	Murphy, et al.
Art Unit	3738
Examiner Name	
Attorney Docket Number	702.154

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,683,399	11/04/97	Jones	
		US- 5,904,688	05/18/99	Gilbert	
		US- 5,928,287	07/27/99	Keller	
		US- 5,968,049	10/19/99	DaRold	
		US- 6,063,123	05/16/00	Burrows, et al.	
		US- 6,063,124	05/16/00	Amstutz	
		US- 6,106,536	08/22/00	Lechot	
		US- 6,129,732	10/10/00	Lechot	
		US- 6,132,469	10/17/00	Schroeder	
		US- 6,264,647	07/24/01	Lechot	
		US- 6,482,209	11/19/02	Engh, et al.	
		US- 6,626,913	09/30/03	McKinnon, et al.	
		US- Des. 331461	12/01/92	Lester	
		US- 2001/0006593 A1	07/05/01	Lechot	
		US- 2002/0002365 A1	01/03/02	Lechot	
		US- 2002/0010470 A1	01/24/02	Lechot	
		US- 2002/0099447 A1	07/25/02	Mears, et al.	
		US- 2002/0116067 A1	08/22/02	Mears, et al.	
		US- 2002/0193797 A1	12/19/02	Johnson, et al.	

**FOREIGN PATENT DOCUMENTS**

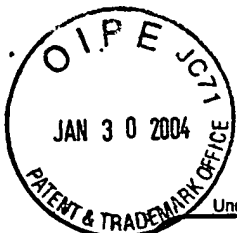
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		EP 1149562 A2	10/31/02	Mears, et al.		
		EP 1149562 A3	01/02/03	Mears, et al.		

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 4 of 5

## Complete if Known

Application Number	10/691,800
Filing Date	10/21/03
First Named Inventor	Murphy, et al.
Art Unit	3738
Examiner Name	
Attorney Docket Number	702.154

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2003/0004513 A1	01/02/03	Guzman, et al.	
		US- 2003/0050645 A1	03/13/03	Parker, et al.	
		US- 2003/0097135	05/22/03	Penenberg	
		US- 2003/0158559 A1	08/21/03	Diaz	
		US- 2003/0181916 A1	09/25/03	Wolford	
		US- 2003/0220696 A1	11/27/03	Mears, et al.	
		US- 2003/0229352 A1	12/11/03	Penenberg	
		US- 2003/0229356 A1	12/11/03	Dye	
		US- 2003/0229357 A1	12/11/03	Dye	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

## FOREIGN PATENT DOCUMENTS

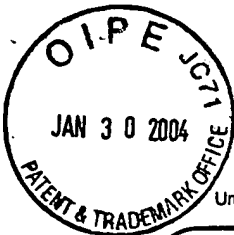
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO03/057049 A1	07/13/03	Keller		
		WO03/065906 A2	08/14/03	Chana		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08b (08-03)  
Approved for use through 06/30/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 5 of 5

### Complete If Known

Application Number	10/691,800
Filing Date	10/21/03
First Named Inventor	Murphy, et al.
Art Unit	3738
Examiner Name	
Attorney Docket Number	702.154

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	✓	MURPHY, Minimally Invasive Hip Surgery, From <a href="http://www.stephensmurphy.com">www.stephensmurphy.com</a> (2003)	
	✓	Author unknown. Short External Rotator Muscles of the Hip. From <a href="http://www.biyye.net/running/injury/short_rotators.html">www.biyye.net/running/injury/short_rotators.html</a> (2002)	
	✓	Precimed tool advertisement (2002)	
	✓	Minimally Invasive Hip Surgery and Future Developments, From <a href="http://www.essexhipsurgeon.co.uk/minimally_invasive_hip_replacement_surgery.html">www.essexhipsurgeon.co.uk/minimally_invasive_hip_replacement_surgery.html</a> (2003)	
		Innomend MIS catalog (2003)	
		McTIGHE, A New Era of Minimally Invasive Surgical Approaches for THA, Joint Implant Surgery & Research Foundation Update (December, 2002)	
	✓	BERRY, et al. Symposium on Minimally Invasive THA, J. Bone Joint Surg. 85A: 2235-2246 (2003)	
		PELLEGRINI, et al., Surgical Approaches to the Hip Joint. In: Surgery of the Musculoskeletal System (C. M. Evarts, Ed.), Churchill Livingstone (New York, NY) Chapter 94, pp. 2735-2756 (1990)	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.